

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MORTGAGE ELECTRONIC REGISTRATION SYSTEM,)	CASE NO. 1:08 CV 374
)	
Plaintiff,)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	<u>ORDER OF REMAND</u>
MARCUS BURDEN)	
RUKIAH SHAMON-BURDEN,)	
)	
Defendants.)	

On February 14, 2008, Rukiah Shamon-Burden filed this pro se action for removal from the Cuyahoga County Court of Common Pleas Case No. CV 05 568281, a foreclosure case in which judgment was taken against Ms. Shamon-Burden on December 6, 2006. See, cpdocket.cp.cuyahogacounty.us/p_CV_Docket.aspx.

Title 28 U.S.C. § 1441, which governs civil actions removable from state court generally, provides that such removal may only occur when a federal court has original jurisdiction of the matter and a defendant in the action seeks removal. Further, a notice of removal must be filed within 30 days after a defendant's receipt of a copy of the initial pleading or within 30 days after service of summons upon the defendant if the initial

pleading has then been filed in court and is not required to be served on the defendant, whichever is shorter. 28 U.S.C. § 1446 (b). These requirements have simply not been met here.

Accordingly, this matter is remanded to the Cuyahoga County Court of Common Pleas.

IT IS SO ORDERED.

/S/SOLOMON OLIVER, JR.
SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE